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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47407-2022 (O&M)
Date of Decision: 01.08.2023

Manpreet Singh @ Manna

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. G.K. Mann, Senior Advocate assisted by
Mr. Anmol Jeevan Singh Gill, Advocate, for the petitioner.

Mr. Manjot Singh Tiwana, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 0129 dated 31.05.2022, under Section 21(b) of NDPS Act, registered at Police Station City Malout, District Sri Muktsar Sahib.

2. Learned Assistant Advocate General, Punjab has submitted that in pursuance of the orders passed by this Court on 01.05.2023 the petitioner was got checked up from the Civil Hospital and as per the report of the doctor the petitioner is having no withdrawal symptoms pertaining to addiction and he does not have liver disease and his condition is stable and he is medically fit, conscious and well oriented to time, place and person.

3. Learned Senior counsel for the petitioner has submitted that the petitioner is in custody from 31.05.2022 which is 1 year and 2 months and charges in the present case were framed on 11.10.2022 and now only two witnesses have been examined. She submitted that as per the allegations there was a recovery of 50 grams of Heroin from the petitioner and in fact the petitioner has been falsely implicated in the present case only because of the reason that he was earlier involved in 5 more cases. She submitted that out of the aforesaid 5 cases, he has already been acquitted in 1 case and 2 cases are undertrial whereas in 2 cases he has already undergone the sentence and out of 5 cases, 4 cases are pertaining to NDPS Act whereas 1 case pertains to Sections 452, 324, 323, 34 IPC. She submitted that considering the custody of the petitioner, he may be considered for the grant of regular bail especially in view of the fact that the alleged recovered quantity from the petitioner does not fall in the category of commercial quantity.

4. On the other hand, Mr. Manjot Singh Tiwana, learned AAG, Punjab has submitted on instructions from ASI Karanjit Singh that it is correct that the petitioner is in custody for about 1 year and 2 months. However, he has submitted that after the framing of the charges now two witnesses have been examined including the complainant who is Sub Inspector. He submitted that the trial is going on fast. He further submitted that it is a case where the petitioner is a habitual offender and he is involved in 5 more cases out of which 4 pertain to NDPS Act and he has been convicted in 2 cases under the NDPS Act, although he has already undergone the sentence. He further submitted that although the recovered

quantity from the petitioner does not fall in the category of commercial quantity but the petitioner does not deserve the concession of regular bail in view of the fact that is an habitual offender and in case he is released on bail, then he may again indulge in such activities and there is also likelihood that he may abscond from justice or may influence the witnesses.

5. I have heard the learned counsel for the parties.

6. The petitioner although has already faced incarceration for 1 year and 2 months and as per the learned State counsel two witnesses have been examined including the complainant. The petitioner is stated to be involved in 5 more cases out of which 4 pertain to NDPS Act and he has already been convicted in 2 cases under NDPS Act and has undergone the sentence. This Court is of the view that although the petitioner was allegedly caught alongwith 50 grams of Heroin which does not fall in the category of commercial quantity but considering the fact that earlier also he was involved in 4 cases under the NDPS Act out of which in 2 cases he has been convicted, the apprehension which has been expressed by the learned State counsel that in case the petitioner is released on bail, then he may repeat the offence cannot be ignored and does carry weight. The menace of Heroin is at large scale in the State of Punjab and is not unknown. Therefore, this Court is of the view that the petitioner does not deserve the concession of regular bail.

7. Consequently, the present petition is dismissed.

8. However, anything observed hereinabove shall not be treated as

an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

01.08.2023

rakesh

Whether speaking
Whether reportable

: Yes/No
: Yes/No

(JASGURPREET SINGH PURI)
JUDGE